GENERAL REASONS,

Grounded on Piety, Charity, Justice and Equitie, against the defaulcation of a fift part of the Ministers Maintenance, who beareth the whole burthen of the Ministerial Function to any Parish, or People.

Whereto are added, Particular Reasons upon the like Grounds against the payment of a fifth part to Dr. *E. H.* out of the Rectory of *B.* in *Berks*: Together with an Answer to a Letter of the said Dr. *E. H.* bestowed by the late Insurrection at *Salisbury*.

Written by *John Bey*, Preacher of the Word of God at *Br.* aforesaid.

The Contents whereof follow next after the Epistle to the Reader.

Luke 10.7. *The Labourer is worthy of his hire.*

James 5. 4. *Behold, the hire of the labourers which have reaped down your fields, which is of you kept back, crieth, and the cries of them which have reaped, have entred into the Lord of the Sabbath.*

Isa. 61.8. *I hate Robbery for Burnt-offering.*

LONDON,
Printed for *Edward Brewster* at the *Crane* in *Pauls* Church-yard, 1655.

(91)

GENERAL REASONS

TO THE RIGHT HONOURABLE my very good Lord Collonel *Charles Fleetwood* Lord Deputy of *IRELAND*.

Right Honourable,

THough, in an Answer to two injurious Petitions, put up the last year to the Parliament (that then was) against all set and certain Maintenance of Ministers, I borrowed the Name of *Theophilus Philadelphus*, because I was unwilling to own the many misprisions of the Printer, I made bold to acknowledge You * by your Name, as my Patron and Protector then, when I knew you by none other Title, then a Member of Parliament, and as such an one (happy it had been for this Nation, if all had been such) you acted (on my behalf) according to the uprightness of your heart, and equity of my cause, to bring the adversary to better terms then

* For the military men, I can say somewhat upon mine own certain knowledge: at the Committee for Plundered Ministers, I found more favour from one Colonel (whose name I then knew not, *viz.* Collonel *Fleetwood* now Commander in chief over *Ireland*, and I thought he had not known me) then from any, yea or from all the rest (one ancient friend excepted) though at that time they met in an extraordinary number. So in the Epistle to the Ministers before the Answer to the Petitions in the last leaf but one.

otherwise

otherwiſe I could have hoped for. And when the Committee for Plundered Miniſters to make me ſome amends for my precedent ſufferings (whereof I can tell a true and a ſtrange Story, and it may be ſhall doe, when a fitter opportunity inviteth me to it) ſent me to officiate as Miniſter of *Brightwell*, and aſſigned unto me the Rights and Emoluments of the Rectory ſequeſtred from Dr. *H.* you were pleaſed to write a very reſpective Letter to the Governour of *Wallingford*, Mr. *Arthur Evelin* for his aſſiſtance and favour to me, as my juſt occaſions ſhould have need of it: and for your ſake I found him ſo ready to do me not only all Right, but ſo many courteſies beſides, that I muſt humbly beſeech your Honour, to thank him for me: and ſince we were well acquainted, I found him for mine own ſake, the beſt Neighbour that ever I enjoyed, and by his removal from theſe parts (upon the ſleighting of *Wallingford*-Caſtle) not onely my ſelf, but all that are rightly principled, and ſincerely affected to the beſt Reformation of Religion and Government, are apprehenſive of a very great loſſe: for he liberally and chearfully *entertained* a choice number of Preachers from *Oxford*, who (by turns) contributed their pains to a weekly Lecture at *Wallingford*, and hath *managed* both his military Authority, and the Office of a Juſtice of Peace, with ſuch conſtant Prudence and Impartiality, as made him both a great Comfort and Encouragement to the Good, and as great a Terrour and diſheartning to the wicked: which I the rather now profeſs in publick, *becauſe I cannot* (notwithſtanding

Dr. *Owen* Dean of *Chriſt-Church*.
Dr *Stanton* Preſident of *Corpus-Chriſti*-Colledge.
D. *Wilkins* Warden of *Waddam* Colledge.
Dr. *Langley* Maſter of *Pembroke*-Colledge.
Dr. *Wilkinſon* Principal of *Magdalen*-Hall.
Dr. *Conants* Rect. of *Exeter*.
Mr. *Corniſh* Prebendary of *Chriſt-Church*, with others of eminent note for learning and godlineſs in that Univerſity.

ſtanding the diſcontinuance of entercourſe betwixt us) either forget, or not gratefully remember, the many friendly and affectionate Offices I have received from him, *and have not* any other, or not any better way (at preſent) for that purpoſe, then this occaſion of thankful acknowledgement of your Lordſhips favour (immediate by your ſelf, and mediate by him) hath miniſtred unto me, which I conceive you will not take for an unpleaſing impertinency, or digreſſion: becauſe I have good reaſon to believe, that as he much honours you, ſo you have a good eſteem of him as worthy (for his Abilities and Fidelity) to be accepted under the relation, and with the affection and confidence of a Friend. And for my ſelf, as by the Divine Providence, and your own Goodneſs, I found you a gracious Advocate in my cauſe, when I knew you not; ſo now I do know you, I ſhall not doubt of your propitious Patronage in this, which now I humbly preſent to your equitable Cognizance and Conſideration, and ſhall endeavour by my heartieſt Devotions to Almighty God for your Honour, to make a ſupply for the unwilling defects and failings of more real returns, which if my Means were anſwerable to your Merit, or mine own minde, would certainly be made by

Your Honours deeply obliged,

Brightwell in *Berks*, *Octob.* 17. 1654.

and ſincerely devoted Servant

John Ley.

To the Honourable

Humphrey Mackworth Esquire,

ONE OF THE

Council of his Highness the Lord PROTECTOR.

Honourable Sir,

THough you were not at leisure (when I waited on you about the beginning of May *last*) to receive a true and full Information betwixt D.H. and me: I was not dismissed from you, with such discouragement, that I should not have hope of a better opportunity, both for Audience and Acceptance of any just motion, I had to make unto you: which (at that time) was, that you would be pleased, to cast your eye upon those Papers, then Manuscripts, which now I humbly offer in Print to your Perusal. They are the same in substance which then I shewed to my Reverend Brethren M.T.G. and M.T.P. two worthy Ministers of your County, and both before and since (viz. the last Act at Oxford) to my highly honoured Friend, D. P. F. Prebendary of Christ-Church: which I note as a circumstance of time, to clear me from all suspition of, or spirit of Presumption or contradiction, against the Proviso of the late Ordinance of his Highness the Lord Protector, and you of his Council of the 29. of Aug.

Auguſt. 1654. *in the behalf of the outed Miniſters Wife and Children: For I could not then divine what your Wiſdomes would Order or Ordain for that particular.*

For the Ordinance it ſelf, entirely taken, it is the Judgement of many wiſe and godly men, that it will much promote the Reformation *of corrupt manners (which from ſcandalous Miniſters, like a peſtilent contagion, have ſpread abroad among the people, as the Prophet complained of old,* From the Prophets of Hieruſalem is prophaneneſſe gone into all the Land, *Jer.* 23. 15.) *and it will prove the more effectual to that purpoſe, becauſe it is committed to their execution, whoſe Zeal will not cool into careleſſe Negligence, or partial connivance: that was it which made the Government of the City of* Geneva, *to be ſo much commended (even by* Bodine *a Papiſt) to which he applieth the ſaying of* [a] Seneca, It is a ridiculous thing *(ſaith he)* there to be good onely by ordaining righteous things, *their manner is, to be practically as well as legally juſt, as ſtrict in execution, as wiſe in conſtitution of good Laws,* thence it is that thoſe exceſſes, which no where elſe are duly puniſhed, are there reſtrained; ſo that no whoredome, no drunkenneſſe, no dancings, no beggars, no idle perſons, are to be found in that City.

[a] Ridiculum eſt ad legem eſſe bonum, *ita fit ut quæ legibus uſquam vindicantur, illic i. Genevæ coerceantur ab iis cenſoribus, qui ſummam virtutis opinionem, de ſeipſis excitarunt. Igitur* nulla meretricia, nullæ ebrietates, nullæ ſaltationes, nulli mendici, nulli otioſi, in ea civitate reperiuntur. Bodin. *Method. hiſt. c. 6. p. 246.*

And for that Proviſo (of the fifth Part) his Highneſſe, and you of his Council had to induce you to it, 1. *An Ordinance of Parliament.* 2. *Examples of Practice in ſeveral Committees anſwerable to it.* 3. *An Opinion*

nion of Charity as the ground of both: which I humbly conceive, might make you leſſe willing to debate the Point, and more ready to paſſe it, then otherwiſe you would have been, if it had been (as a new thing) to be caſt into the mould of your own judgements. The leſſe cauſe is there for ſuch as ſuffer by it, to be offended at the Ordinance (as it is yours) *and the leſſe offence I hope will be taken at the reaſons or deprecations of the preſſure of it (by thoſe who feel it heavy upon them)* as it is theirs, *who have urged it to their prejudice: requiring a fifth part for the Wife and Children of the offending Party, but awarding nothing for him nor his, who offended not, when he is (without any Pretence of inſufficiency or miſcarriage) put out by the Patron, upon the death of the former Incumbent; which if it ſhould be ratified (as a Law of the* Medes *and* Perſians, *without any alteration,* Daniel 6. 8.) *may not ſinne ſeem to have a perpetuall priviledge, which to innocence ſhall never be permitted.*

But I am perſwaded better things of you, for I am confident, you never thought to make any of your Ordinances (in ſuch matters to be received (as the Pope obtrudeth his Dictates) for infallible Decrees: Nor did our Biſhops (though ſome of later time were forward enough, to take too much upon them) aſſume any ſuch Authority, to the Canons of their Synods, as if they could not erre: for they all ſubſcribed, to the 21th *Article of the* 39. *Articles made in the year* 1562. *not onely of the* Fallibilitie of Generall Councils, but of their actuall failing in things pertaining unto God.

Nor can I fear from you or any of your Honourable rank,

rank, the tart entertainment of Amos *by* Amaziah, *for* being too bold at Bethel, *Amos* 7. 13. *in preſenting my Conceptions to your Cogniſance (though as yet it may be ſomewhat different from ſome of yours, who ſit and act in ſo high a Sphere) ſince you are not more eminent for Dignity or Authority, then for the Profeſſion of the pureſt kinde and degree of Reformed Religion, which if it be ſincere (and I dare not think otherwiſe) is founded in* Humility, *and* Humility *will diſpoſe you to receive (without diſdain) any conſiderable Advertiſement, though from a Servant: You have read it ſaid of* Job, *by God Himſelf,* That he had not his like for Goodneſſe in the Earth, *Job* 2. 3. *and for* Greatneſſe, he was the greateſt of all the men of the Eaſt, *Job* 1. 3. *and yet was he ſo low in his own Eyes, that he* did not deſpiſe the Cauſe of his man-ſervant, or maid-ſervant, when they contended with him, *Job* 31. 13. *And of* Moſes, *as well the* worthieſt as the meekeſt man that was upon the face of the Earth, *Numbers* 12. 3. *(for he was Captain Generall under the Lord of Hoaſts, and over his own peculiar People, a miraculous Deliverer of them out of the hand of a moſt Potent and Obſtinate Tyrant) that he ſlighted not the Counſell of* [b] Jethro, *Exodus* 18. *though in Gifts, in Graces, in all Authority, Divine and Humane, Eccleſiaſticall and Civill, by many degrees inferiour to him.*

[b] *Jethro* was a Prieſt of *Midian*, rather then a Prince (though the Original word be taken ſometimes for a Prince or chief Ruler, becauſe his Daughters were ſo meanly imployed, and ſo little reſpected by the Shepherds, *Exod.* 2. 16.

I have been thus farre drawn on in an ingenuous freedome of Speech unto you (Worthy Sir) *by the Remembrance*

brance of my firſt Acquaintance with you (many years agoe) occaſioned by that rarely Religious Gentle-woman, then my gracious Pariſhioner, and ſince your worthily and ſingularly beloved Yoke-fellow: who was not more Honoured for her Piety, by the Godly, then loved for her Charity and Humility, by all that knew Her: in which Graces my conceit hath hitherto been, that you were both ſutably and happily matched.

But now it may be it will not become me to look ſo farre backward (to what is paſt) but rather to look upward to what you are at preſent, by your high Preheminence: and from you, and for you, I muſt raiſe my thoughts farre above you, *even as high as God himſelf, bleſſing him for you, and for your Honourable Colleagues (though principally for his Highneſſe the Lord Protector) in that you have all concurred in a pious as well as a charitable Providence, for the Miniſters certain and comfortable* Maintenance *(for you conſidered them as by Office the Servants of God, ſo by Nature, Nation, and Religion, Brethren to your ſelves)* manifeſted *many wayes, particularly by the Inſtrument of Government of* [c] December 16th, 1653. *and the Ordinances of* [d] Auguſt 29. *and* September 2. *both of the year current,* 1654. *which we cannot but account not onely as a gracious Beneficence of yours unto us, but as a mercifull Deliverance of us, out of their hands, who think us worthy of no better cheriſhing (for the beſt Service we can do to God or man,) then ſuch as* Ahab *appointed for* Micaiah, Put this fellow in priſon, and feed him with the bread of Affliction, and with the water of Affliction, 1 Kings 22. 27. *whoſe princi-*

[c] *Art.* 35.
[d] *Pag.* 633.

ples

ples since we know them to be such as are as repugnant to the Right and Propriety of Civill Authority as to the Right and Propriety of Sacred Ministrations, we shall hold it our Duty by all warrantable wayes of opposition, (within the compasse of our Faculty and Function) to appear and act against them, as well for your sakes, as for our own; I speak in the Plurall Number (though in my present Addresse I be alone) because I am well assured that the most, and worthiest of my Brethren of the Ministry (with whom I have conversed) are wholly of my minde, in this matter: Though our Conditions in some respects be so different, as may put some of us to Petition to your Honours, for an Additionall or Supplementall Ordinance or Declaration, that may succour us against injury, and secure us against misery, which (without our own faults) may befall us, if by a seasonable, and sufficient Remedy from your Wisdome, Power and Goodnesse, they be not prevented. Mine own present case, may be an Instance in one particular; which I have here drawn up with more Care and Scruple, *lest I should offend against Truth and Conscience, in the least point,* then desire *to obtain any self end, or worldly interest of mine own: as having my most intentive Thoughts set upon mine Account, and Hope of a better World, whither I can have now but a very short Journey, mine Age being already arrived at* Davids *period* [e] Psalm 90. 10. *Yet, while I am here, I shall heartily pray, That God will both perpetually direct and assist you, in all your Consultations and Resolves for the Publique Welfare of Church*

[e] The dayes of our years are threescore and ten.

and State, and graciously Requite all your good Offices, to his House and House hold, and shall faithfully professe, and seriously endeavour to approve my self,

Your Honours

Brightwell in *Berks*
*Octob.*17. 1654.

humble and faithfull Servant

JOHN LEY.

THE

TO THE UNPREJUDICED READER.

READER,

IF such a one as I wish and stile thee, I shall not doubt to be believed by thee, in that I now seriously professe (as in his presence, who doth most exactly discern the difference betwixt pretences and intentions) 1. That in the penning of these reasons against the paiment of a fifth part of Sequestred Benefices, it is so farre from my thoughts to preclude any just way of succour or sustenance, to any that want (much lesse would I do it to the Wives and Children of Ministers (though contrary minded to me) that I wish them a better means of Maintenance then that is like to be in most places. 2. That I have so much desire to rectifie the errour (both in opinion and practice) about it, and to relieve my Brethren (the Incumbent Preachers) oppressed by it; that, if it did not concern my self at all, I should be willing to act and appear on their behalf, as in the former part of this Treatise, I have done. 3. That (but for the common Interest of the Reformed Ministry) I had never made a publick Busines of the particular passages, betwixt Dr H and me, though he have been too openly injurious against me, to suffer me to be silent toward him, or to make my defence in a meer private manner; nor would I (but for this occasionall inducement) clear my self in print, from a greater change, which he hath laid against me (as much greater, as the whole exceeds a fifth part) for he hath often said it to my face (more often I doubt not behinde my back) and once he gave it me under his hand in a Letter,

That I ſnatched his Benefice out of his hand, before he was outed by the Committee at R. *If he can prove this ſuggeſtion, I give it under my hand, that not a fifth Part onely, but the other four (ſo farre as lieth in me) ſhall be all his again: for that done, I will give up all to him, if he can procure the repoſſeſſion of it to himſelf. But in diſproof thereof, I averre, and ſhall (if occaſion require) confirm what I ſay upon Oath.*

Firſt, That I never (to my beſt remembrance) heard of him, or of his Benefice, untill he was outed by the Committee of R.) *and ſome means was made for it to the Committee for Plundered Miniſters at* Weſtminſter, *by* Mr T.G. *a learned and godly Miniſter (then of* R. *and well acquainted with all the proceedings againſt the Doctor for a friend of his) who received anſwer from him (who beſt knew the minde of the Committee) that it was the meaning of the chiefeſt of them, to reſerve it for me, and from him I had the firſt news of the vacancy of the Church of* Br. *and of that kinde intention towards me: whereupon* Mr G. *deſiſted from all further ſollicitation for his friend, and offered his beſt aſſiſtance to me, for mine accommodation upon acceptance of the place, which he performed accordingly.*

Secondly, When the Committee had made their Order, for mine Admiſſion to it, I came not to take Poſſeſſion of it, though I were within a dayes journey from Br. *untill about a month after.*

Thirdly, And when I did come, I did not require any haſty removal of him, or his houſhold, but gave him as long a time as he deſired, for their continuance there: which was from October 13th 1649. *untill* April 1. 1650. *reſerving not ſo much as one chamber for my ſelf, though I began my Reſidence and Miniſtry, with my firſt coming thither, and went on with it, without any thing but labour and charge for almoſt a whole year.*

Fourthly, From October 13. *to* April 1. *he (being yet in Poſſeſſion, which (as the Proverb hath it is an eleven Points of the Law) had time enough to have ſetled himſelf where he was, if he could have done it, and he uſed all the means he could, to have the Order againſt himſelf, and for me, reverſed (without any oppoſition at all from me) and when he was out of all hope of prevailing*

vailing, he wrote to me, That he would give me poſſeſſion of the houſe, as he had done of the Church, and in his Letter profeſſed, That (ſince himſelf might not be permitted to hold the living) he was contented I ſhould have it before any other man. *This I have yet to ſhew under his own hand.*

For other things which he hath ſaid, or can ſay againſt me, I ſhall care the leſſe, becauſe

1. *I am confidently and chearfully conſcious of mine own innocence, and clearneſſe from any charge of injuſtice that he can take up againſt me.*

2. *I believe it lieth not in the power of his tongue or pen, to leſſen my eſtimation, in the Judgement of thoſe good men, with whom I am beſt acquainted, nor with any good man at all, to whom both he and I are throughly known: though it may be ſome who were mine intimate Familiars, before our late troubleſome Mutations, and after long intermiſſion of mutual entercourſe (whereby they may not know how farre, nor upon what grounds, I have been conſtant or changeable with the viciſſitude of affairs and times) may (haply) be as credulous as mine adverſary is clamorous againſt me: for there are ſome men whoſe paſſionate prejudice, will admit of no pauſe to take in any true intelligence againſt miſ-information: and it is no marvel, if ſuch do ſacrifice not only common charity, but ſpecial friendſhip, to diverſity of opinion and partiality of intereſt: from which (whether levity or iniquity) I hope my practice ſhall always prove my diſpoſition, to keep a juſt and religious diſtance.*

3. *For ſuch as know me not (if they be wiſe) they will not lend too open an ear, to the accuſations of an open mouthed adverſary, ſince they may very well think it is more like that (out of envy, becauſe I poſſeſſe what he hath loſt) his ill will would not ſuffer him to ſay well, then that I, out of avarice or any other corrupt motive, ſhould do ſo ill, as he ſuggeſteth; and if they be not wiſe, their folly muſt be allowed the priviledge of a patient permiſſion, and of free pardon.*

4. *That which I have now publiſhed, as it will (I truſt) give full ſatisfaction to the particulars objected, ſo it will be an earneſt of the like ſatisfactory returns to other Ob-*

jections,

jections (if the Doctor have any) to bring in againſt me. But

5. *That on which (as upon a rock of ſureſt refuge) I ſet up my reſt is, the precept and promiſe of the Lord by the* Pſalmiſt, Commit thy way unto the Lord, truſt alſo unto him, and he ſhall bring it to paſſe; and he ſhall bring forth thy righteouſneſs as the light, and thy judgement as the noonday, *Pſal.*37.5,6.

I bleſſe his Name (for it) he hath given me grace to obey the Precept, and faith likewiſe to believe, I ſhall receive the Promiſe: and if his Providence make uſe of thy wiſdome and goodneſſe (good Reader) *to ſuch a purpoſe, it will engage me the more affectionately to remain*

Thine in all Chriſtian Obſervance

Brightwell in *Berks*
*Octob.*17. 1654.

JOHN LEY.

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SECT. I.

Some Cautions and Diſtinctions premiſed before them.

WHile I ſpeak againſt the paiment of a fifth part, in the general, my meaning is not to lay the blame of that heavy burden, upon all or the better part of the Members of that Parliament (by whoſe Authority it was ordained:) for though the King[a] propoſed, *That ſuch Miniſters as were ſequeſtred (for malignancy, and were not ſcandalous) might have a third part of the Livings out of which they were ejected*, and the Houſe of Peers (for relief of their diſaffected Chaplains) meant them as liberal an allowance, as they could hope might paſſe in the Houſe of Commons (which was a fift part at the moſt) yet divers, and thoſe very eminent men, for wiſdom and godlineſs in that Houſe, were (as I have been credibly informed) againſt all defalcation of any part of the Miniſters means, who were to bear the whole burden of the Paſtoral charge, and conſented to that proportion rather as a *Prohibition* (as in caſe of uſury) [*] *That none ſhould have any more*

[a] Mr *Prinne* in his Speech in Parliament concerning the Kings conceſſions, *p.* 51, 52. *Edit.* 3.

[*] This ſenſe ſince this Treatiſe was finiſhed I found in

then

the late Ordinance of his Highness the Lord Protector for the ejecting of scandalous, and ignorant, and insufficient Ministers and Schoolmasters, p.625. princip

then a fifth part, then as a Concession, that every one should have so much; and therefore the Committee for Plundered Ministers at *Westminster*, (which the House of Lords never liked, consisting wholly of the Members of the House of Commons) often ordered against that allowance: and where they permitted it, they did it with much more moderation, and ease to the Incumbent Minister, then Countrey Committees used to do, where some leading men, were sometimes so favourable to sequestred Ministers (probably out of some carnal or worldly Interest of their own) as to make their condition more comfortable, then theirs who succeeded them, which was much against the minds of the soundest Members of that Assembly.

2. Concerning the ejected Ministers (I conceive) there may be some such distinction made of them, as Dr *Du Moulin* maketh of the Popish Clergy in *France*, *I know* (saith he [b]) *that in this great body of the Clergy, there are a great number* (though many also are of a quite contrary minde) *on whose Spirits Nature hath more force then their habits, and the love of their Country more then the maxims of Italy.* So I may say, there is great difference of those Ministers (whose lot hath been alike for outward losses) not only in their spirits and affections, but otherwise, for some of them are ignorant and erroneous in their judgements, irreligious and scandalous in their conversation, rash, proud, uncharitable and turbulent, in their spirits speech and behaviour: who both wish and watch for an opportunity to be fishing in troubled waters, and are every way such, that as it was a very ill deed to put them into the Ministry, so it was a very good one, to put them out again.

[b] D. *Du Moulin* in his Defence of the Catholick faith in King *James* his Book, c.6. p.94.95.

But there are others, who are Learned, Orthodox, Discreet, Humble, Charitable, who cordially desire the peace of their Countrey, and would not (if it were in their power) redeem themselves from private damage, with any publick calamity: their greatest fault being, their errour in opinion, and affection too adverse to any form of Government, that is not hereditarily and absolutely Monarchical, and to any form of worship, but that of the Service-book.

For such as these (or if they be not altogether such without the abatement of some grains of just weight) I wish them rather

ther a plentiful, then a competent Subsistance, rather five parts for their Portion, then a fifth only: which they might have (if the State have no Just Cause, to be Jealous of their peaceablenes or loyalty) by being admitted to other places: for as to the same, it is like our pious and prudent Superiours are most of them, of the late Earl of *Kent* his mind, who (as I have heard him say) was resolved (so far as he had to do, when he was one of the Lord Keepers of the Great Seal) that he would send them as far as the distance betwixt East and West, North and South, rather then place them in the Parishes from whence they were removed.

But for my self, I am so farre from hardning my heart against the grievances of any of my godly Brethren (who suffered any hard measure under pretence of Reformation, or Propagation of the Gospel) that I heartily wish the Declaration lately published under the Title of *Gemitus Ecclesiæ Cambro-Britannicæ*, may be seriously considered, and enquired into, and if the complaints therein be true, that due and seasonable redress may be applied unto them. And if the State had been pleased to allow any of them whom they have displaced, a competent maintenance, out of the Bishops, or Dean and Chapters Lands, to which (the Offices put down) no personal service is annexed, [a] as Queen *Elizabeth* did, to Abbots and other Ecclesiastical persons, out of their confiscate Lands, and other Revenues, their charity towards them had been (as I conceive) not only lawful, but commendable, or had they made a rate for their charitable relief, (as for the Taxes or Impositions which are general all over the Land) I should willingly have born my proportionable share, with those who are bound to charity, as well as my self, or had they put but one or a few Delinquents upon our whole Tribe to be maintained, as *Solomon* is supposed by some to have done, by [d] *Abiathar*,

[a] *Cambd. Annal. Eliz. lib. 2. pag. 56.*

[d] He was not to live upon the Levites portion, but was confined to his own fields in *Anathoth*, his own (not in common with others, but) proper and personal, as his own Inheritance. So Mr *Gillespy* in his Book called *Aarons Rod Blossoming* in Append. added to the first Book, *pag.* 138. For though the Tribe of *Levi* had not a part of the Land of *Canaan*, separate or set apart by themselves (as the other Tribes had) yet upon extraordinary occasions) it might and sometimes did fall out, that some might have peculiar Interest in particular Lands, not only since they lost the Land of *Canaan*, as *Joses* surnamed *Barnabas* a Levite had, and sold them, *Act.* 4. 36, 37. but before that time, as *Jeremy* (who was of the same Tribe, as *Dorotheus* writeth in his Book of the Proph. &c. added to *Euseb. Sozom.* and *Evagr.* p. 527.) who bought a field of *Hanamel* his Uncles son, *Jer.* 32. 9.

1 *Kings* 2.26. (though I conceive it is their miſtake) I ſhould not have thought it a juſt occaſion of complaint.

But that it ſhould not be impoſed upon every one ſeverally, to pay a fifth part of the Revenue belonging to his Paſtoral Charge, I hope I may have leave to aſſert upon the Reaſons enſuing.

SECT. II.

The firſt Reaſon, taken from the Neceſſity of Miniſterial Service, in the Sequeſtred Benefice, and from the Parity of the Miniſters Caſe with others, on whom no Paiment of a fifth Part is impoſed.

1. THough they and their Abettors, account ſuch as are placed in Sequeſtred Livings, Intruders into their Rights, they may hold themſelves fairly and juſtly poſſeſſed of them; for when a place of Office, is made void, (whether it be Civil or Eccleſiaſtical) which neceſſarily requires an Incumbent upon it, to officiate, and the Party put out, is diſabled to do any Miniſterial Duty in it, it is lawfull for another to ſupply his place (eſpecially in a Paſtoral Charge) that Gods Sabbaths may ſolemnly be obſerved, and the people ſpiritually provided for (that their ſouls may be ſaved) which muſt be done, whether the Miniſter were injuriouſly ejected or not, and *Beneficium* belonging to *Officium*, the reward (the whole reward) is due for the whole work, to him that doth it.

But if the party be put out for criminal miſcarriage as the Sequeſtration is more Juſt, ſo is the Entrance of another into his place, more juſtifiable: Eſpecially, if he had no hand, either dirrectly, or indirectly for his putting out: Upon this ground, ſuch as have poſſeſſed Civil Offices, as the Keepers of the Great Seal, Judges, Recorders of Cities and Towns corporate, Heads of Colledges, Halls, Hoſpitals, in the Univerſities, and elſewhere, as alſo Military Officers (who poſſeſs the places of caſhiered Commanders) have never been charged with paiment of a fifth part, to their predeceſſours wives and children, though

thoſe

thoſe that were put out, had as much need, and they that ſucceeded them, had as much means, to relieve them in their wants as Miniſters have, and for the moſt part much more, and they may crave, and hope alſo to enjoy the ſame immunity with them, unleſs ſome colour of reaſon may be rendered to the contrary, which they cannot anſwer.

SECT. III.

The ſecond Reaſon taken from the Preheminence of that Authority (which appointed us to be Incumbents) above that of private Patrons.

2. THe next conſideration for Exemption from this Charge, is of the preheminence of that Authority, (which appointed the ſubſtituted Incumbent) above that of private Patrons: (which is the ſame by which ſetled and itinerant Juſtice is adminiſtred, mens lives and livelihoods diſpoſed of, all matters of peace and warre ordered and managed (throughout three populous Nations) by whoſe power, the people are protected, for the ſafety of their perſons and propriety of their Eſtates: and but for which (whatſoever is pretended for another Title) we might come under more calamity (by Anarchical and Democratical confuſion) then by Monarchical or Oligarchical Tyranny.

Taking thoſe who have ſuch predominant power for our Patrons, we may (we hope) deſire, deſerve and expect as much priviledge and protection, as the Clerks of private Patrons have enjoyed, who were never compelled to pay a fifth part, to thoſe that have been put out upon the death of the outed Miniſter: though liable to no manner of Exception, either of Inſufficiency, Negligence, Scandall, or Diſaffection to the preſent Powers: and it ſhould not be forgotten, and (being remembred) it may ſtop the mouths of ſuch as are apt to clamour (if the fifth part be denied them) that Biſhops (when the Church door keys hanged on their girdles) ſuſpended *ab Officio & Beneficio*, divers of the moſt learned, godly and conſcientious

non-Conformists of this Nation, meerly for scrupling a superstitious Ceremony, which themselves confessed (at the best) to be but a thing indifferent, and oft times absolutely deprived them of their Benefices, and instituted and inducted others into them: thereby cutting from them all hope of recovery, but allotting no portion at all, for supply either of them, or their wives and children. So that the Benefit came in entire to them, though they were admitted to their Benefices, but by the Right of particular Patrons: and should not the Parliaments Patronage, bring with it as great a priviledge to their Chaplains, as that of private Patrons to the Clerks they present?

SECT. IV.

The third Reason taken from the manner of our Admissions into the Pastoral Charges of the ousted Ministers compared with theirs.

3. THat our Condition should not be worse then theirs, we may (I speak sometimes in the Plural number, because my case is not singular, many being in the same condition, and I presume in these considerations consenting with me) I say, alleadge the different manner of our Admissions to our respective places, and that in two particulars, 1. In the Trial and Examination of Ministers, before their Admission into their Incumbency, which was nothing so strict and exact in former time, as in the way prescribed by the Parliament. 2. In the freeness of their Patrons benevolence without any Exaction or Expectation of any profit, yea without any suspition of Simony, either express or implicit, which was so familiar in former times betwixt Patrons and their Clerks; that there were few presented, whom secular gifts did not make more gracious in the eyes of their Patrons, then Spiritual: which if it were known, the Clerk was to be turned out of his Benefice, and the Patron to lose his next turn of presenting. In these respects our entrance being more fair and free from just Exception and Suspition then theirs, I humbly conceive, we should enjoy our

our places (at leaſt) with as much freedome as they have done.

SECT. V.

The fourth Reaſon taken from the Aphoriſm of our Saviour, The Labourer is worthy of his hire, *Luke* 10. 7.

4. WHere our Saviour ſaith, *The Labourer* (not he that laboureth not) *is worthy of his hire,* Luk. 10. 7. he meaneth, *That he that doth the whole work, ſhould have the whole wages; and this is as juſt as that he that hath the whole wages, ſhould do the whole work:* Though the time hath been (before the Parliament called in the laſt Kings time) that many (in *London* eſpecially) took the whole pay of Parſonage, and would do but half the duty of a Parſon or Paſtor, preaching (at moſt) in the forenoon of the Sabbath day, and putting the Pariſhioners to pay for the afternoons Sermon, upon another account: for they were fain to take it as a courteſie, that their Parſon gave them leave to chooſe a Lecturer, and to pay him themſelves, for the performance of that Service, which belonged to his Office in his own perſon (*if he were able* to undergo it) (for he was to uſe double diligence according to that of *Soloman, In the morning ſowe thy ſeed, and in the evening let not thy hand reſt: for thou knoweſt not whether ſhall proſper, this or that, or whether they both ſhall be alike good,* Eccleſ. 11. 6.) *if not,* and the means were competent, he was to bear the charge of his aſſiſtants Service: but no body ſhould be compelled to pay to him, or his, that aſſiſteth not, that doth no Service in the Office, for which a Salary or Maintenance is aſſigned.

SECT.

SECT. VI.

The fifth Reaſon taken from a compariſon of the condition of the Wife and Children, of the outed Miniſter, when he is alive, and when he is dead.

5. IF the outed Miniſter be juſtly put out, and another as juſtly put in by the Supream Authority (though moſt offenders will be rather querulous then quiet under the juſteſt ſentence, that is or can be paſſed upon them) it cannot but appear juſt, to allow the entire maintenance to the Incumbent Miniſter, as well while the Delinquent liveth, as when he is dead (in which caſe the fifth part is neither allotted by Authority, nor looked for by their widows or fatherleſs children) yea rather, while he is alive, then when the caſe is ſo far altered with him, as to be ſequeſtred not only from his ſuper-intendency over a particular Pariſh, but from all Society with the whole world, and that for two Reaſons:

1. Becauſe *mortui non mordent*, being dead they can do no more hurt, but while they live, their repining at the power, which took their Benefices from them, their envy at thoſe who are put into poſſeſſion of that they have forfeited, and their inordinate zeal for reſtitution of a contrary Authority, (whatſoever it coſt either in bloud or treaſure) and the like degree of ſuperſtitious devotion to the Service-book, and corrupt cuſtoms, make them ſometimes boldly and buſily to beſtir themſelves, to cheriſh the like diſaffection to the preſent State, and fond affection to the former in the people, and ſo to harden them againſt the Reformation both Eccleſiaſtical and Civil, as alſo to make thoſe odious unto them, who in compliance thereto (out of conſcience) officiate contrary to their affected forms, and prejudicating fancies: wherein ſome have done more diſſervice to the preſent Government (rambling about to make now proſelytes, and to confirm old Malignants (which they do ſo much more buſily, as they have the leſſe to do, and the more boldly, as they have the leſſe to loſe)

loſe) then they could have done, when their conſtant Miniſtry was confined to one place: for ſo their corrupt Doctrine was but as the poiſoning of a Pond or Ciſtern, whereas now ſome of them take leiſure and liberty to poiſon the chief fountains in the Land with ſuperſtitious, unſound, and (as far as they dare) ſeditious doctrine.

2. Becauſe while they are living (though the wiſdom of the Parliament hath thought it fit, to cut off all hope of reſtitution to the ſame Churches requeſtred from them) they are not out of hope of maintenance (eſpecially ſince the Engagement is laid aſide) if they do not wilfully perſiſt in their oppoſition to the State and Reformation propoſed: for ſome of them [e] *Iſocrates* like, by teaching of Schools, have thriven more (by what they have gotten and ſaved that way (living in a more private and leſſe expenſive manner) then when they poſſeſſed their Benefices, and bare the burdens incident unto them. Some again have gained more by preaching without them, then when they poſſeſſed them: And ſome I am ſure have been put out of a ſmall Benefice, and (upon taking the Engagement) have been put into a great one, ſo that they may ſay as [f] *Themiſtocles* to his ſons, *My ſons, we had been undone if we had not been undone.* So they, We had been impoveriſhed in our ſmall livings, if (for our oppoſition to the Parliament) we had not been put out of them, and by compliance with the Parliament, (whether ſincerely or deceitfully they cannot tell) we had not been placed in ſuch as are better.

[e] *Iſocrates* gained more ſilver by teaching of a School, then ever any profeſſour did, ſo that he was able to defray the charge of a Galley at Sea. *Plut.* Morals in the lives of the 10 Orators, p. 924.

[f] *Plutarch* in the life of *Themiſtocles*, p. 131

SECT. VII.

The ſixth Reaſon taken from the ill Uſe our Adverſaries make of the Allowance of the fifth Part.

6. THe allotting of the fifth part of Eccleſiaſtical profits (as aforeſaid) hardens many both againſt the Parliament, and againſt thoſe whom they ſend to ſucceed the ſequeſtred Miniſters. for they take this fift part as a rent, whereby their right

of re-entry is reserved to them, and ſo they and their complices have made account hitherto, that their Succeſſours tenure holding what they have (as yet they have done) not for their own, but anothers life, a turn of providence (which they hope for, and will help forward all they can) will return them into their former eſtate, and ſo (after a Parentheſis of Sequeſtration is paſt) the whole ſentence of reſtitution, and repoſſeſſion, will ſettle them where they were, in a right of perpetuity, and this (believing the lying reports and predictions of their Newsmakers, their falſe prophets, as *Ahab* did his) they expect will ſpeedily be brought to paſs.

SECT. VIII.

The ſeventh Reaſon taken from the Oppreſſion of the Labouring Miniſters, by paiment of a fifth Part, with Objections againſt them, and Anſwers for them.

7. BEcauſe by the taking away of the fifth part from them, they are (in effect) put every fifth year to ſerve the Cure, without any wages, and if the fourth years fruitfulneſs were but doubled, as by the bleſſing of God every ſixth year was trebled to the Jews, *Levit.*25.21. when the ſeventh was to reſt, and ſo to bring forth none encreaſe: or that they might out of all the former years, not by ſcandalous nigardice, but by ingenuous Providence, lay up a portion, which might make a competent ſupply, for that annual diminution, they might be very well content with the one, or with patience and ſilence endure the other. But as the caſe is with them, by paiment of publick impoſitions, rated by thoſe who to ſpare themſelves (and ſometimes to ſpight us) aggravate our charge without either Mercy or Juſtice: by the tax of this § Egyptian Tribute,

§ I call it an Egyptian Tribute, in regard of the proportion, the fifth part, which was paid to *Pharaoh* by his people, *Gen.*41.34. though otherwiſe contrary to that which many of us have cauſe to complain of, for the Egyptian fifth part was laid up, as proviſion for prevention of famine, to thoſe that paid it: our paiment of a fifth part is our preſent oppreſſion, without the expectation of any good for hereafter.

bute, by the open and wilfull defraudings of ſome of them, as if it were rather their right then any wrong to us to rob us of the tenth by many accidental expences which come upon divers of us, after the proportion of the common report of the value of our livings (exceedingly onerated ſometimes of purpoſe, to advance the fifth part to the greater advantage of thoſe that require it) wherein they expect no leſs liberality from us, then when all came in without ſuch paiments, and went out at the market upon farre more profitable prizes, then now they do, receipts and diſburſments rightly reckoned together, the allowance will be little for the ſubſiſtence of the Miniſters in ſervice, and their Families; nothing at all to be ſaved to pay debts (contracted partly by precedent plunderings, partly by the charge of enforced removals, from place to place) which draw in damage at both ends *a termino a quo & ad quem*, (from the place whence they come, and whither they go) nor to raiſe any reaſonable portions for their children, nor to make any competent proviſion for their wives, in caſe of widowhood, when they ſurvive them. For mine own part (and I doubt not but there are others of my Brethren of my minde) though the *R.* of *Br.* (if duly payed and not unduly charged) would be as Beneficial as I would deſire, yet as it is to me (with all the defalcations and burdens incident unto it) if my conſcience could be diſcharged, from obligation to the Paſtorall Charge of it, and would allow me to reap where I ſowe not, I ſhould be contented to give it up, and to be confined to a fifth part only: eſpecially if I had D.*H.* his either preſent means, or future hopes.

If any object, That the Ordinance of Parliament alloweth a fifth part of the Sequeſtred Benefice to the outed Miniſters, and if we like not to take upon us the Incumbency (upon theſe tearms, we may give up the work and wages both, or rather (at the firſt) we ſhould have refuſed to undertake the one, and to take the other. *Obj.*

I anſwer

Firſt, That the Ordinance for ejecting of ſcandalous Miniſters, would not have paſſed, in the Houſe of Peers, without the allowance of a fift part to their wives and chil- *Anſw.*

dren: and therefore there was at the firſt a kinde of neceſſity, to allot them ſuch a portion, though otherwiſe many godly and worthy Members of the Houſe of Commons were againſt it, as before hath been obſerved.

Secondly, Though ſome Countrey Commit ee men have (againſt all equity and ingenuity) urged the letter of the Ordinance, as if (like the Rule of *Ignatius Loiola*) [h] *To the Letter, to the Letter, without a Gloſſe, without a Gloſſe,* it were punctually to be obſerved in all caſes, without Exception or Limitation. The Committee for Plundred Miniſters at *Weſtminſter*, have (by their uſuall practice) expounded it otherwiſe, allowing ſometimes no fifth part at all, and that they might very juſtly do, in divers caſes: As

[h] *Ad literam, ad literam, ſine gloſſa, ſine gloſſa. Reg. Societ. Jeſu*

1. Where the Benefice will not bear it, and leave a competent Subſiſtence for the Incumbent.

2. Where the outed Miniſter hath means of Subſiſtence of his own, or by his wife.

3. Where the Father or Grandfather is rich enough to maintain the wife and children, in which caſe, the [i] Law the charge upon them.

[i] For this ſee *Mich. Doltons* Juſtice of Peace, p. 84. *fine*, and p. 85. *princip.* printed for the Company of Stationers, *an.* 1619.

4. Where the Party put out continueth ſcandalous, and diſaffected to the Government, and contumaciouſly oppoſeth the Reformation, either of Church or State: For it ſeems juſt and reaſonable that he ſhould thereby forfeit the fifth parts, as well as the four parts before, for his former miſcarriage. And for ſuch as were ſcandalous, the * late King (though tender to his party) required none allowance, and ſometimes they allowed leſſe then a fifth part, as if the Delinquent had any means at all that was to be reckoned to make up a fifth part, as if the fifth part were 40[l], and he had 20[l] of his own, he was to receive but another 20[l] of the Incumbent Miniſter.

* See the quotation of Mr. *Prinne* at the beginning of the firſt Section.

Thirdly, The Miniſters acceptance of a Paſtoral Charge, with the burden of paiment of a fifth part, ſhould be no prejudice, either to their ſuing or ſpeeding for deliverance from it: becauſe it was then impoſed, when they were driven

ven from their own places, and plundered by the Malignant party, of all they had: in which extremity they were glad to take pains, upon any tearms: he that hath nothing will not refuse to do service, though he have not so good pay for his pains, as *Micah* his Priest had, *Ten Shekels of silver a year, a suit of apparel and Victuals*, Judg 17.10. and thence it was that the House of Lords (at the first) made no scruple, to order that not a fifth part, or third only, but a [k] full half of the maintenance of a Preaching Minister, should be paid to him, who was not to preach, and as if this were too great a favour to be long enjoyed, it was to hold out but half a year.

But now their [l] Lordships have no such power (in favour of their Chaplains) to oppress the Ministers put into their places by the House of Commons (who now without them are reputed a compleat Parliament) they may both with good Conscience complain, and upon just reasons (such as have been given in this cause) expect, that that burden which at first was laid upon them, and taken up by them, by a double necessity (as hath been shewed) should not still be continued when it is in the power of their Patrons to relieve them.

[k] Witness the case of D. R. from whom the Rectory of F. in *Essex* was sequestred, and he was by Order of the House of Lords, to have half the profit of the Benefice, and M. I. now (or late) Minister at *Br.* but the other half, to serve the Cure, and this Sequestration to last but half a year, as a person of eminent place, parts, and integrity, told me not long agoe.

[l] I mean not by any thing I have said of the House of Lords, any diminution of dignity to those truly noble and worthy Patriots of that House, who have been faithfull and constant to the cause of the Commonwealth, against the boundlesse Prerogative of an Arbitrary Monarchy: for upholding whereof thirty eight Earls and Lords revolted from the Parliament to the King, who are particularly named in M. *May's* History of the Parliament of *England*, lib. 2. cap 5. pag. 87. nor from these would I detract any honour due unto them, though I have no reason to like their resolution, in this particular.

But it is against Charity to deprive the offender of all his means, and to leave his wife and children who offended not without any maintenance. *Object.*

First, I grant it is so, and not in the case of Ministers only, but of others, who put out of Office, have no fifth part assigned them or theirs, out of the Offices they have lost, and not alone while they are living, but when they are dead, and then much rather, as hath been proved. *Answ.*

Secondly, I hold that we are bound by the rule of Scripture, to give bread and drink to an hungry and thirſty enemy, *Proverbs* 25. 21. *Romans* 12. 20. but I take not this to be a meer miniſteriall Duty, but a Chriſtian Duty common with us, to all others of our Chriſtian Profeſſion, and therefore

Thirdly, I wiſh the caſe of all indigent perſons may be taken into compaſſionate conſideration, and ſuch means ordered and ordained (for their relief) as is moſt juſt and reaſonable: and it is moſt juſt and reaſonable, that a common duty (as that charity is) ſhould be exerciſed in ſuch a proportion, as that it may not be oppreſſive to any particular perſon, as the paiment of the fifth part is, even to thoſe who are poſſeſſed of Benefices of good value, for as in part I have ſaid before,

1. The Parſhioners in moſt places make no conſcience to pay them their dues, or to rob them of their portion, becauſe they take them for intruders into other mens Rights.

2. They care not how heavily they load them in taxes to eaſe themſelves.

3. The Miniſters have not ſuch ready means to require or recover their dues, as the Clerks of particular Patrons have formerly had.

4. Some of them are burdened, with providing for thoſe who (according to the Law fore-mentioned) are put upon them for relief, to which adding the paiment of a fifth part (with the relief of the poor, beſides many extraordinary charges, no leſſe then if they enjoyed the whole Benefice to themſelves) adde to all theſe the many harſh uſages they meet withall, from their ill affected people, their condition becometh ſo diſpleaſing to themſelves, that they are as capable of pity with thoſe that know it, as of envy with thoſe that know it not.

Fourthly, For the particular way or means of extending Charity to ſuch perſons as for offence to the State have forfeited their places of imploiment, and benefit annexed thereto: I will not take upon me to give any directions, but if there were a Com-

a Committee appointed to that purpose, and liberty given for others (as in some cases it hath been) to make proposals unto them, I doubt not but such an Expedient might be offered to their approbation, as might be more comfortable for Sequestred Ministers, and no ways grievous to any, as the paiment of a fifth part is, to most on whom it is opposed.

Particular Reasons against the Paiment of a fifth Part to D. *E.* *H.*

SECT. I.

Reasons against Doctor H. *his claim of a fifth Part, in Particular of the Rect. of* Br.

TO these Reasons against the paiment of a fifth part in general, I shall annex some others in particular: which may evince, That though a fifth part might justly be assigned to some outed Minister, from some Minister Incumbent, yet not in our case; for neither is the Doctor such a man as is capable of it, nor am I in a condition to part with such a portion of my dues to his use.

1. For the first, That he is not capable of the fifth part in the intent of the Ordinance (as the regular practice of the Committee for Plundered Ministers at *Westminster* expounds it) I shall shew by two Reasons:

1. The one is that he needs it not.
2. The other is, That if he did, there are other wayes for supply of his wants.

1. That he needs it not, I can prove it by double evidence. 1. From

1. From Himſelf.
2. From Others.

1. From Himſelf, he hath ſaid diverſ times, *But for the Means he hath in* Wiltſhire *the Parſonage of* Bc. *would not have anſwered his Charge in the time of the Warres*; how much that addition amounted unto, I have not been informed; but ſecondly, That it is enough now for a competent Subſiſtence himſelf confeſſed, when (*March* 24. 1649.) he ſaid, *That he ſhould not need a fifth part above two years*, and to both theſe Teſtimonies of his, I can produce ſufficient witneſſe upon Oath (if he dare for conſcience, or can for ſhame deny his own words) but I think he will not, becauſe he did not, when I had mine evidence ready to produce againſt him, before the Committee at *R.*

Now ſince he is known to be ſo good an Husband, as not onely to know his own Eſtate, but how to manage it to his beſt advantage, and to ſpeak as much for his own Intereſt, and to purſue it as eagerly as any man can do, that makes not mammon his God, none that knows him, will ever believe he would have ſaid ſo much to the prejudice of his own profit, if it had not been true, and ſuch a truth as he was familiarly acquainted withall, and whereof he might be convinced if he ſhould ſay the contrary.

2. From Others: I was ready at *R.* upon the 19th of *October*, 1652. the day agreed upon by the Committee (our Judges) and the Doctor himſelf, and me (the parties) for the hearing of our differences, to produce my Witneſſes for proof, that in *Wiltſhire* he had Lands, let for the yearly value of about 80l, and Woods upon them worth many hundreds. But he knows, who would not ſuffer them to give in their Evidence upon this pretence, That the Ordinance allots the fifth part without any exception, of other means or maintenance, more or leſſe, though he were ſo aſſuredly informed, That he could not but believe it, that the Committee for Plundered Miniſters at *Weſtminſter*, did by their ordinary practice clear the

the meaning of the Ordinance, to be for the allowance of a fifth part onely, where other means of neceſſary Subſiſtance was wanting: and that upon good reaſon, for if a man may have a good Eſtate of his own, and nevertheleſſe, without any pains, may have a fifth part of his portion who bears the whole burden of Miniſteriall duties, in the Church, of Houſ-keeping and of Hoſpitality at home, and of all Taxes and Impoſitions for the Publique: the condition of many (both pains, means, and charge conſidered) will be better by putting out, then theirs who are put in to poſſeſſe their places, which ſurely cannot be according to the minde of the Parliament.

Beſides, for the Doctors wife and children (ſhe being an inheretrix of a fair Eſtate, when her father dieth, who is a weak man, and well ſtricken in years, if he be yet alive) there is no fear of their want, though they have neither Right nor part in the Rectory of *Br.*

2. For the other Reaſons, *That if he had no means of his own, he ſhould be no ſharer with him in wages, who doth all the work (when he doth none of it for which it is due.)* Beſides the Arguments againſt the fifth part in general, already produced, it may reaſonably be pleaded, in barre to his claim of the fifth part by particular application unto him, That

1. If he be not invincibly wilfull, againſt the Government which gives him Protection, he may no doubt have employment for his good parts, and a competent Salary, for the good ſervice he may do, in the uſe and exerciſe of them.

2. If he will not be taken off, nor abate any whit of his rigid miſconceits, and diſaffection to the preſent Government, and to their publick proceedings, nor forbear to do them as much diſſervice, as he can and dare (upon all occaſions in private and publique) they may think it a matter rather of favour, then of rigour, if he want to ſend him for ſupply to the known Laws of the Land (ſo much cried up by him and his party) and they will ſend

his wife and children, to the able Gentleman, her Father and their Grandfather, for in such a case it is thus ordered by Law, *The Father and Grand-father, Mother and Grand-mother, being of sufficient ability, shall relieve them, in such manner as the Justices of Peace, in that County where such sufficient Persons dwell, at their quarter Session, shall assesse.* *Dolt.* Justice of Peace, printed for the Society of Stationers, *an.* 1619. p. 84, 85.

But he and his, if they were in want (being such as they are, with such an one as his Father in Law is) would finde mercy ready enough to receive them, without any order of Justice to procure their entertainment.

SECT. II.

Reasons why I should not pay a fifth Part to the Doctor.

NOw as by what hath been said it appeareth in respect of him, That it is not reasonable he should require a fifth Part of the Parish of *B.* So I shall now give Reasons (in respect of my self) which may conclude it as unreasonable that I should pay it.

1. Though I acknowledge with all thankfulnesse, the Parliaments benevolous intentions towards me, in designing me to officiate in such places, as promised me a very comfortable reward, for the work of my Ministry: yet such hath been my mishap (through others Malignity) that I have been a loser by them, and so little a gainer or saver by the exercise of my calling (for the best part of fourty years together) that upon a just occasion (though but an unjust surmize of my thriving by adherency to the Parliament) I made bold to tell some of the most eminent Commonwealths-men of this Nation: *That if they would make mine estate as good in Lands, as it was before I went to the University, or in money and goods, as good as before I had an Ecclesiastical benefit, I would serve the Church and State with my best abilities (according to my Conscience) for nothing as long*

long as I lived. Or if they would but put me into as good a condition as I was poſſeſſed of before I was driven to flie from all I had, becauſe my Judgement and Conſcience engaged me to be of the Parliament Party: I would give up all I had of their gift, without any deſire of further Benefit from them. Which being true, I cannot but ſo farre confide in their wiſdome and goodneſſe, as to believe, they would not have taken a fifth Part from me, to gratifie ſuch a Doctor that ſo little needed it.

2. I may be the more confident herein, becauſe where I was laſt diſpoſed of, and where for my Settlement, there paſſed an Ordinance of both Houſes of Parliament (though it wanted a formality of accompliſhment, by the great Diviſion betwixt the Parliament, City and Army, which then happened) I was ſo great a ſufferer in all kindes by thoſe who hated the Right and Reformation of the Parliament, and me for their ſakes, that if my Cauſe had been ſeaſonably, throughly and truly repreſented unto them, I doubt not, but they would rather have awarded me reparations for wrongs, and damages ſuſtained, then mulct me by diminution of my wages, for the work which lieth wholly on me, and nothing at all upon the Doctor to perform.

3. As it was my loſing lot to part with the laſt Parſonage I had too ſoon (for it was a little before the harveſt was ready for the Reaper) and ſo to be [m] both injuriouſly and barbarouſly driven from it, without any recompence either of my pains, or

[m] At *Aſh.* where upon the death of Dr. *Dod* the Sequeſtred Rector, by pretence of a Writ, *De vi laica amovendâ*, I was violently and illegally put out of poſſeſſion by the under-Sheriffe, but upon complaint to the Committee for Plundered Miniſters, reſtored within a fortnight after by an order coming from them, commanding the ſame under-Sheriffe to put mine Antagoniſt out, and to put me into poſſeſſion again (and he did ſo) and to make his appearance before the Honourable Committee, to anſwer for his unwarrantable proceedings againſt me, but upon the requeſt of the high-Sheriffe on his behalf, and becauſe he pleaded the Obligation of his Oath to ſerve all Writs that came to his hands, I excuſed his appearance: how the Sheriffs great Fee proſpered with him (for he was either liberally paid or promiſed for that illegall Act) I cannot tell, but ſure I am, they for whom he did it proſpered not, for he who was the pretended Preſentee poſſeſſed not the Parſonage, and had ſo much trouble with it, as he told me when I left it, that he wiſhed he had rather given 200[l] then diſturbed me in it, and he that was really intended and put in in my room, was afterward for ſcandal removed.

charge upon it which was very great, by House-keeping, Impositions, and Quartering of Souldiers; besides that I was forced to put off my Stock of Cattel at a low rate, which cost me very dear: So was it my hard hap also, to come to *Br.* too late, when the Doctor had newly inned as his own, all the provision of the year past, and left nothing for me but ministerial duty, and [a] *Chamalion*-diet untill the next Harvest.

[a] Chamælion *solus animalium, nec tibo, nec potualitur, nec alio quàm aeris alimento.* Plin. *Nat. hist. l.8. c. 33 p.118.*

4. The Committee at *R.* taking into their serious consideration, the necessary supply of him that should undertake the Pastoral Charge, made an Order, That the Doctor should enter [b] into Bond (which he did accordingly) for paiment of an 100[l], for his maintenance, out of the profits of the year precedent, which amounted to more by a double advantage, both of the value, and quantity of Corn, then had been known in one year, within the memory of man. But the Doctor got the Bond out of their hands again, by what means, whether direct or indirect, I determine not, but sure I am he is a 100[l] the better by having it, and I a 100[l] the worse by missing of that Summe which should have fallen to my share, as his immediate Successour, and haply had done, if they that put him out, had put me in, but it is like it was displeasing to some Committee men at *R.* that they made a Blank at *Br.* and the Committee at *Westminster* filled it up: and yet I required not a forbearance of the fifth part, untill I had paid the Doctor 69[l]--12[s]--2[d] (upon a very hard bargain) a double price to the just value of many of the things I bought, as some of better Judgement then my self, and of better conscience then he, made the estimation of them: and well nigh as much more under the Title of fifths, and thereby (by the ebbing of Tithes to me (which came in with full tide to him) and by the augmentation of my charges of several sorts) I found my self unable to pay him any more under the name of fifths.

[b] *August* 14. 1649. on which day part of their Order was, *And he is permitted to receive the Tithes, provided he give security to the Committee to pay* 100[l] *to the next Minister in lieu thereof in case he be removed,* which I have attested under the hand of the Clerk of the Committee.

Yet he complained to the Committee at *R.* that I had not conformed to their Order therein, when I had his Acquittances for receipt of a fifth part for the time past, and at that time he

he could claim no more untill the next Harveſt, whereof having made due proof before the Committee, his Suggeſtion was found * *a falſhood*, and I was diſcharged from paiment according to that proportion, which he had procured upon it to be rarated and ratified by their Letter unto me.

5. And laſtly, I am put to relieve and maintain thoſe, whom the Law aſſigneth to me for Suſtenance, under that Relation, which obligeth the Doctors Father in Law, to provide for his wife and children, if deſtitute of means: and this Charity of the Statute, is to take place, and be ſerved before that of the Ordinance for a fifth part, if none other Objection could be made againſt it. [A part of this Plea put into the Committee at *R.* moved four or five to conſent, to order the repeal of the former Order, for paiment of the fifth part: but he refuſing to joyn with his Colleagues (though men * of *eminent Integrity and Godlineſſe*) for Reaſons which I forbear (untill I have further cauſe to produce them) it was not ſo fully ratified, as it ſhould have been in the Tearms and Tenor following.

* By the Committee of Parliament for the County of *B.* ſitting at *R.* the 15th *June*, 1652. This Committee being ſatisfied by M. *John Ley* Rector of *Br.* that Dr *H.* did miſ-inform them touching Mr. *L.* his non conformity to the Order for fifths, & the yearly value of the Parſonage. It is now thought fit that the value propoſed in the letter of the 28 of *April* laſt, ſhall be no rule to apportion the fifths. And it is ordered, That the difference between M. *L.* and Dr. *H.* be heard before the Committee on the 20th of *July* next, at which time Dr. *H.* is to prove the value of the Parſonage by ſubſtantial Witneſſes upon Oath, which are to be of the Pariſhioners.

W. W. Major of *R.*
W. St.
J. W.
G. W.

* M. *Stroud.*
M. *Nutkins.*
M. *Webb.*
M. *Wooldridge.*

By the Committee of Parliament, for the ſaid County ſitting at Reading *the* 19th *of* October, 1652. Berks. ſſ.

FOr as much as this Committe, by an Order bearing date the 8th of *March* 1649. did aſſigne the fifth part of the profits of the Rectory of *Br* Sequeſtred from Dr *E. H.* for Scandal in life, and diſaffection to the Parliament, towards the maintenance of his Wife and Children, to be paid unto her, by Mr *John Ley* Incumbent there (according to Ordinance of Parliament in that behalf.) Now we the ſaid Committee, taking the uſual practice of the Honourable Committee for Plundered Miniſters,

niſters, both for interpretation and limitation of the ſaid Ordinance, in ſuch caſes, as a warrantable patern to follow, who make the Wife and Children incapable of the fifth part, where the ſequeſtred perſon, hath a competent Eſtate, for their maintenance, and having now received teſtimony upon Oath, that the ſaid Dr. *H.* hath a temporal Eſtate in Lands, in poſſeſſion, in the County of *Wilts* of the yearly value of 80^{l}, or thereabouts, and woods upon the ſaid Lands, eſtimated to be worth many hundred pounds, and taking into conſideration that about the time that Dr. *H.* was ſequeſtred from the ſaid Rectory, he entered into Bond to pay an 100^{l} to the next Incumbent, out of his laſt years profits towards his pains and charges to ſerve the Cure untill the next Harveſt: and notwithſtanding the ſaid laſt years profits, was very advantagious to the ſaid Doctor, both in the quantity and price of Corn, yet was the ſaid Bond re-delivered to him, without any Satisfaction given to Mr. *Ley* the next Incumbent: As alſo Mr. *Leys* conſtant adherence to the Parliament, whereby he hath ſuſtained great loſſes by plunderings, and great charges by his enforced removals from place to place farre diſtant, and his maintaining three Orphane Children, whoſe Parents were impoveriſhed in the Parliaments ſervice. We conceive it Juſt and Equitable, and do likewiſe order, that the ſaid Mr. *John Ley*, be from hence forth diſcharged from farther paiment of the ſaid fifth part, or any part thereof to the ſaid Dr. *H.* his Wife and Children.

Mr *Richard Whiſtler* of *Satwell*, and *Robert Hues* of *Brightwell* were ready to depoſe upon Oath (as they received information) to the value of Dr. *Hydes* temporal Eſtate, and the Order above-recited was agreed upon, but one of the Committee refuſed to ſit and joyn with the other four that voted to take away the fifth part, which is certified, and (if required) ſhall be atteſted upon Oath by

Will. Carter Clark then attending the ſaid Committee.

And

And the ſame Seal ſhall I be ready to ſet to what I have ſaid, (if I be called to it) ſo that an Oath may be (as the Apoſtle writeth to the *Hebrews*) *the end of all ſtrife*, Heb 6. 16.

SECT. III.

The Doctors claim of my Premiſe to pay him a fifth part, Anſwered.

AND here I thought I had ended with the Doctor, for this difference about the fifth part: but while I was ſetting my papers in order for the Preſs (the day before I was to ſend them to *London*) I received a Letter from him, wherein he challengeth a ſecond promiſe of me (for once he did the like before) for the paiment of the fifth part of the Parſonage, after ſuch a proportion as he could procure the whole to be let to, and paid by ſufficient undertakers, which was farre more then ever I could make of it. Of theſe two promiſes he claimeth one (though not in this Letter) before the date of the Order of the 15th of *June*, 1652. forementioned in the Margine: The other ſince the Order *Octob.* 19, the ſame year, though within a while after, as about two or three hours of the ſame day.

For the former, the truth is upon his importunate preſſing of me to let it (becauſe he ſaw I was not worldly minded enough to make the beſt of it) I told him, if a competent number of the chief of the Pariſh would take it, and give good ſecurity for paiment of the Summe to be agreed upon, I would farm it out to them, he promiſed to bring me ſuch to *Wall.* by a day prefixed.

That day come, he brought with him to *Wall:* (the place appointed for our meeting) only two men, to take all the profits of the Rectory, and to undertake for the paiment of what he agreed upon: againſt whom I took exception *joyntly* and *ſeverally: Joyntly*, becauſe both of them together, were not held of ſufficient Eſtate (by ſuch as knew both of them better then I did) to anſwer ſuch a Summe as the Doctor had drawn them (by what artifices or ſecret ſecurity I know not) to engage for:

for

for the one of them had no Land at all, the other but about half a yard Land, and for their Eſtate in ſtock, that was very uncertain, and not viſibly ſuch as might be ſufficient ſecurity, if they ſhould put me to ſue them for breach of Covenant with me: and againſt them both the principal Par.ſhioners took exceptions, as men diſpoſed to deal a great deal more ſtrictly with them, by a more rigorous exacting of all Eccleſiaſtical Rights, then their Miniſter would uſe. And yet that year had they taken it they might have loſt at leaſt a 100[l], as they made the eſtimation, who were beſt acquainted with the conſtant revenue of the Rectory; and if it had ſo fallen out or ſomewhat near it (the truth whereof I was not able to diſcover) would they not have fallen from their Covenant? and have been clamarous againſt me, if I had put them in ſuit for the whole, when they had fallen ſo farre ſhort of their expected profit? and might they not, having my goods in their hands, and I but their paper and wax in mine, have advantage enough to weary me out, if I took a legal courſe to recover my Right? And as theſe were *joynt* exceptions againſt them both, ſo there were ſome *ſeveral* or *peculiar* to each of them, for the *one* was not of the Pariſh (as I propoſed, he conſented, and both conditioned the Tenants ſhould be) and beſides he was too intimate a friend of the Doctors: The *other* not ſo well-affected to me, as my minde towards him, and the Parochial relation betwixt us required: for living in the Pariſh, and neer the Church, yet he conſtantly excommunicateth himſelf out of the compaſs of my Miniſtry (and hath done as well before that time as ſince) for what cauſes, and how he hath carried himſelf towards me otherwiſe, ſome do know, but God who beſt knoweth us both will one day judge.

The other promiſe of *Octob.* 19. was not as the former onely verbal, but written and teſtified by two witneſſes, it was of this form,

Nineteenth of October, 1652.

IT is this day agreed by the mutual conſent of M[r] *John Ley* Rector of *Br.* and D[r] *E. H.* from whom the ſame ſtands ſequeſtred, that the Doctor ſhall take his fifth part (for the year 1652.) proportionably according to M[r] *Leys* accompt: and that for

for the year to come, the Doctor ſhall have a fifth part after the Rate of——And he deducting and allowing a fifth part of all ſuch charges and paiments, as he allowed for the year paſt: provided that ſuch and ſo many ſufficient men become bound to Mr *Ley* for the paiment of the ſaid Summe as he ſhall accept, and approve of.

Witneſs to this Agreement
Alex. Bl.
Will. Car.

To this neither his hand nor mine was ſubſcribed, becauſe he went out of *R.* before it was drawn up, and whether he would approve of it or no *in terminis*, I could not tell: and therefore I ſuſpended my ratification of it, yet when we met we both agreed to it, though without Subſcription on either part.

It was his part to begin to act, according to this agreement, and he maketh account he performed it, when he brought M. *D.* of *W.* to bid me a price for the Rectory, which was on Tueſday *Jun.* 13. 1654. for of that he ſaith, *He hath performed his part of the agreement* in his Letter dated from *Hart-Hall, Septemb.* the 9. 1654. *Buc.*

Anſw. He failed both
1. In the Summe. And
2. In the Security.

1. For the Summe, M. *D.* offered 20^{l} leſſe then the written agreement. 2. He fell off from that he offered 40^{l} or 30^{l} at leaſt: becauſe I told I was engaged by promiſe, not to conclude with him (who was none of the Pariſh) before I had propoſed his terms unto the Pariſh: wherein I was the more willing to keep my word, becauſe they were very unwilling he ſhould be my Tenant for the Tithe.

But the chiefeſt of them (who appeared in the Buſineſs) confeſſing they could not pay ſo much, and ſo ſoon as he had undertaken, were content that I ſhould proceed and conclude with him.

This I thought would pleaſe him well, and therefore (ſo ſoon as I parted with them) I went to *Wall.* to tell him of it,

he being not at home, I left the intelligence for him in a Letter, desiring him the next morning to come to me, that (the great rub removed (the Parishioners dislike of his Tenantship for the Tithes) we might finally conclude what was formerly proposed.

That day he came not, but on Thursday *June* 15. he came and told me, If I would abate him 30 or 40^{l} of what he had bidden me, he would take the Tithes of me, otherwise not: it was strange to me that he should now refuse the bargain, and think it worse by so much (when he might have it with peace) then when there was much displeasure and indignation taken at his motion.

2. For the Security (whatsoever Summe was agreed upon) he would give me but his own Bond, without a Surety, whereas by the written agreement, the Doctor was *to bring such, and so many sufficient men to be bound for the paiment of the rent, as I should accept and approve of.* This made many confident (which upon surmise I would not believe at the first) that the Gentleman (being the Doctors intimate friend) this Treaty with me, was but a design to raise the fifth part to an unequal growth, that it might be to the other four, as the thumb among the fingers: There were other suspitions taken up by some, That the Gentleman meant to take the Tithe and Glebe in his own Name, but after to turn over his Bargain to the Doctor, that he might by that means set him in possession of the Parsonage again. But he assured me he had no such meaning, and I meant to assure my self he should not do it if he would, resolving of an expres condition to the contrary, with a considerable penalty if it were broken: and for my performance of promise, the Doctor himself hath (upon sufficient experience) said, he doubts not of keeping of my promise, but he was not pleased that I was with much difficulty drawn to make a promise, and even in his last Letter *Septem.* 6. 1654. his words are these, *If you have not a minde to let your Living, you may keep it, but withall I suppose you will have more minde to keep your word: that you may do if you come to a less proportion with my consent, else you cannot.*

Why not? when the failing was on his part, not on mine, both

both for the Summe and Security, as hath been ſhewen, and may be more fully evidenced by M. *D.* his Letter of the 19. of *June*, as followeth,

SIR,

HAd you been pleaſed to have accepted of my offer which I made to you in preſence of D. *H.* I ſhould then have ſtood to it, and not have gone back: but in regard you did then refuſe me, and have ſince treated with others, I ſhall intreat you, now to hold me excuſed, in my *non*-accepting their refuſals: for I ſhall not deal now upon any terms: not elſe, but reſpective ſalutes, from

Wall. 19. *Jun.* 1654. Your aſſured loving friend and ſervant *Fr. D.*

I was willing enough to have accepted of this offer, but ſo as I might keep my promiſe with my Pariſhioners, which had but ſuſpended our agreement for a few hours, had he been at home: for the ſame day, he made that offer before D. *H.* (with a ſtrong temptation to break my word; for he told me, if I would then take him at his word, he would then pay me an 100[l] before I went out of his houſe) I came to acquaint him with the Pariſhes conſens (at leaſt the conſent of the chief of them) for renting the Rectory unto him.

Now when neither the Doctor, nor he whom he propoundeth for a taker, come up to the Conditions of the Covenant betwixt us, Is it reaſon that I ſhould be tied up alone to it? I doubt not but every wiſe and good man will (the premiſes conſidered) account me free from the precedent Engagements, and being free, it is time for me to give over, both promiſes and paiments to him, who hath had much more from me, and I much leſſe from him, then (in equity and conſcience) was due betwixt us.

FINIS.